

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ANDRES MENDOZA,
 Petitioner,

vs.

ROBERT LEGRAND, *et al.*,
 Respondents.

3:10-cv-0549-ECR-VPC

ORDER

Petitioner has submitted a petition for writ of habeas corpus pursuant to 28 U.S.C. §2254 (ECF No. 7). Petitioner has paid the \$5.00 filing fee for the petition. The petition shall therefore be served upon the respondents.

A petition for federal habeas corpus should include all claims for relief of which petitioner is aware. If petitioner fails to include such a claim in his petition, he may be forever barred from seeking federal habeas relief upon that claim. *See* 28 U.S.C. §2254(b) (successive petitions). If petitioner is aware of any claim not included in his petition, he should notify the Court of that as soon as possible, perhaps by means of a motion to amend his petition to add the claim.

IT IS THEREFORE ORDERED that the Clerk shall **ELECTRONICALLY SERVE** the petition upon the respondents.

IT IS FURTHER ORDERED that respondents shall have **forty-five (45)** days from entry of this order within which to answer, or otherwise respond to, the petition. In their answer or

1 other response, respondents shall address any claims presented by petitioner in his petition as well as
2 any claims presented by petitioner in any Statement of Additional Claims. Respondents shall raise
3 all potential affirmative defenses in the initial responsive pleading, including lack of exhaustion and
4 procedural default. **Successive motions to dismiss will not be entertained.** If an answer is filed,
5 respondents shall comply with the requirements of Rule 5 of the Rules Governing Proceedings in the
6 United States District Courts under 28 U.S.C. §2254. If an answer is filed, petitioner shall have
7 **forty-five (45) days** from the date of service of the answer to file a reply.

8 **IT IS FURTHER ORDERED** that, henceforth, petitioner shall serve upon the
9 Attorney General of the State of Nevada a copy of every pleading, motion, or other document he
10 submits for consideration by the Court. Petitioner shall include with the original paper submitted for
11 filing a certificate stating the date that a true and correct copy of the document was mailed to the
12 Attorney General. The Court may disregard any paper that does not include a certificate of service.
13 After respondents appear in this action, petitioner shall make such service upon the particular Deputy
14 Attorney General assigned to the case.

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16 Dated this 2nd day of August 2011.

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20 UNITED STATES DISTRICT JUDGE
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